

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:19-cv-00473-MR-WCM

# TRACEY ARMSTRONG,

**Plaintiff,**

**VS.**

**ANDREW SAUL, Commissioner  
of Social Security,**

**Defendant.**

## ORDER

**THIS MATTER** is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 12]; the Defendant's Motion for Summary Judgment [Doc. 14]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 17] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the pending motions in the above-captioned action and to submit to this Court a recommendation for the disposition of these motions.

On July 6, 2020, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 17] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the motions [Docs. 12, 14]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Memorandum and Recommendation [Doc. 33], the Court finds that the proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Plaintiff's Motion for Summary Judgment should be granted and the Defendant's Motion for Summary Judgment should be denied.

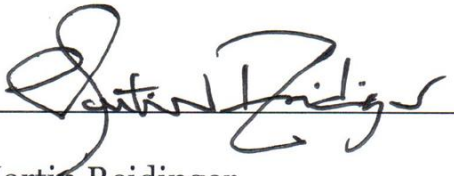
**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 17] is **ACCEPTED**; the Plaintiff's Motion for Summary Judgment [Doc. 12] is **GRANTED**; the Defendant's Motion for Summary Judgment [Doc. 14] is **DENIED**; the Commissioner's decision is

hereby **REVERSED**; and this matter is **REMANDED** for a new hearing pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

**IT IS SO ORDERED.**

Signed: July 24, 2020

  
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Martin Reidinger  
Chief United States District Judge

